

**STATE OF INDIANA
BEFORE THE INDIANA ALCOHOL AND TOBACCO COMMISSION**

IN THE MATTER OF)
THE PERMIT OF:)
)
AMBER GRAHAM) **Permit No. BR1727653**
)

PROPOSED FINDINGS OF FACT
AND
CONCLUSIONS OF LAW

I.
BACKGROUND OF THE CASE

The Applicant, Amber Graham, BR1727653, (hereinafter referred to as “Applicant”) is the Applicant for an Alcohol and Tobacco Commission (“ATC”) employee permit.¹ The Applicant filed her application on August 9, 2018. Upon review of Applicant’s record with the Indiana Bureau of Motor Vehicles, ATC staff determined that Applicant had four unrelated convictions for operating while intoxicated as defined by IC 7.1-1-3-13.5. The dates of the convictions are as follows:

1. Conviction under cause number 48C051411F61947 on February 23, 2015;
2. Conviction under cause number 29D041208FD007721 on July 3, 2013;
3. Conviction under cause number 48I020903CM02133 on June 3, 2009; and
4. Conviction under cause number 49F190811CM272566 on May 22, 2009.

Applicant completed probation for cause number 48C051411F61947 on January 24, 2019. Denial of reinstatement for permit BR1637577 was sent to permittee on September 6, 2018. Applicant appealed the denial of permit BR1637577 January 15, 2019. Although this is a log period between the denial and the appeal, the denial is not sent

¹ Permit expired in 2015 and Applicant is requesting reinstatement.

certified mail, therefore, the appeal will be found to be timely without any further evidence to the contrary. An appeal hearing was held on February 18, 2019 for which the Applicant failed to appear.

**III.
EVIDENCE BEFORE THE ATC**

1. The following individuals testified before the ATC in favor of the Applicant in this cause:
 - a. None.

**IV.
FINDINGS OF FACT**

1. The Applicant, Amber Graham, BR1727653, is the Applicant for an Alcohol and Tobacco Commission employee permit. (ATC File).
2. The Applicant had four unrelated convictions for operating while intoxicated as defined by IC 7.1-1-3-13.5 (conviction) in the past ten years.
3. Any Finding of Fact may be considered a Conclusion of Law if the context so warrants.

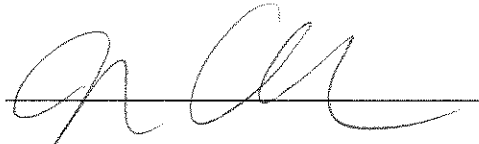
**V.
CONCLUSIONS OF LAW**

1. At the time of the application, Applicant was prohibited from holding an employee permit under IC 7.1-3-18-9(h) because Applicant had four unrelated convictions for operating while intoxicated.
2. The dates of the first two convictions were May 22, 2009 and June 3, 2009.
3. As of June 3, ²⁰¹⁹~~2009~~, the Applicant will only have two (2) convictions within the past ten (10) years.

4. On June 3, 2009, the Applicant will be disqualified from holding an employee permit pursuant to IC 7.1-3-18-9(g) for having two convictions for operating while intoxicated within the past ten (10) years and not being at least more than two years from the completion of the sentence, including any term of probation or parole, for the second conviction for operating while intoxicated.
5. The Applicant completed probation for the most recent conviction on January 24, 2019.
6. The Applicant will be eligible for an employee permit on January 24, 2021.
7. Pursuant to IC 7.1-3-19-12, ^{Forty-five \$45} ~~twenty dollars (\$20)~~ of the permit fee shall be returned to the Applicant. ^{Forty} ~~Twenty~~-five dollars (\$⁴⁵~~20~~) of the permit fee shall be disposed of pursuant to Title 7.1, Article 4 of the Indiana Code.
8. Any conclusion of law may be considered a finding of fact if the context so warrants.

THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that the denial of the application for BR1727653 is in compliance with the law. The eligibility date for Applicant is January 24, 2021. ^{Forty-five (45)} ~~Twenty dollars (\$20)~~ of the permit fee shall be returned to the applicant.

DATED: 2/18/19



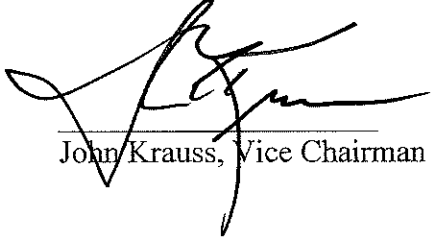
 Jessica Allen, Hearing Judge

Commission Adoption:



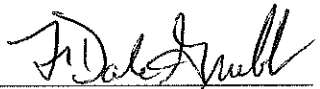
David Cook, Chairman

Date: 4-2-19



John Krauss, Vice Chairman

Marjorie Maginn, Commissioner



Dale Grubb, Commissioner